IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 3339 of 2004

Between:

Y.Venkatesam, S/o.Y.Umamahesam,

Aged 53 years, at present working as Secondary

Grade Teacher, Mandal Parishad Elementary school,

Majjivalasa, Bheemunipatnam Mandal,

Visakhapatnam District. **..... PETITIONER**

AND

1.Principal Secretary, Education Department,

Government of Andhra Pradesh,Hyderabad.

2.Commissioner and Director of School Education,

Andhra Pradesh, Hyderabad.

3.District Educational Officer, Visakhaptnam.

4.Mandal Educational Officer, Bheemunipatnam Mandal,

Visakhapatnam District.

5.Secretary, Bharat Heavy Plates and Vessels School

Managing Committee, Visakhapatnam. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction especially one in the nature of Writ of Mandamus directing the respondents herein to forbear from giving effect to the proceedings in R.C.No.721/A1/2003 dated 28-06-2003 of the District Educational Officer, Visakhapatnam and the proceedings in R.C.No.3710/B1-3/2003-1, dt.7-1-2004 of the Commissioner and Director of School Education A.P., Hyderabad by holding that the Action of the Respondents in transferring the petitioner to Mandal Parishad School is contrary to the spirit of G.o.Ms.No.39 dated 3-5-2002 and pass such other order or orders as Ithe Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.V.Sarma

Counsel for the Respondent Nos.1 to 4: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.5: None Appeared.

The Court made the following :

ORDER:

Heard Sri V.V. Sarma, learned Counsel appearing on behalf of the petitioner and also the learned Government Pleader for School Education appearing on behalf of the respondent. At their request, the main writ petition itself is taken up for disposal.

The petitioner, who is a teacher, filed this writ petition assailing the proceedings dated 28-6-2003 issued by the third respondent, whereunder the petitioner is sought to be transferred to Mandal Parishad School, and also the subsequent order dated 7-1-2004 issued by the second respondent, rejecting his representation.

The main grievance of the petitioner is that as per the policy initiated in G.O.Ms.No.39 dated 3-5-2002, it is only the juniors who had to be transferred but not the petitioner, who is sufficiently senior. It is further submitted that the petitioner having admitted to Grant-in-Aid post with effect from 1-11-1989 and being the senior-most could have been disturbed.

The learned Government Pleader appearing for the respondents 1 to 4 submits that the petitioner has got alternative remedy of appeal. Further, it is submitted that in the absence of respondent No.5, on behalf whom there is no

appearance even after service of notice, it is very difficult to go into all those aspects without any clear idea about the said institution.

Having considered the submissions made on either side and having perused the entire material available on record, it is to be seen that the main grievance of the petitioner is that although there were certain juniors to the petitioner, he is being sought to be disturbed by rationalization which is contrary to G.O.Ms.No.39 dated 3-5-2002. All these aspects cannot be gone into in this writ petition filed under Article 226 of the Constitution of India. In view of the same, it would suffice in the interest of justice to dispose of the writ petition with a liberty to the petitioner to approach the authorities for redressal of his grievance.

Accordingly, the Writ petition is disposed of with liberty to the petitioner to file a representation before the first respondent within a period of two weeks from today. On filing such representation, the first respondent shall dispose of the same on merits and in accordance with law, after taking into consideration all the objections raised on behalf of the petitioner. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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07-04-2005

Note:

Issue CC

In one week

B/o

LUR

To

1.Principal Secretary, Education Department,

Government of Andhra Pradesh,Hyderabad.

2.Commissioner and Director of School Education,

Andhra Pradesh, Hyderabad.

3.District Educational Officer, Visakhaptnam.

4.Mandal Educational Officer, Bheemunipatnam Mandal,

Visakhapatnam District.

5.Secretary, Bharat Heavy Plates and Vessels School

Managing Committee, Visakhapatnam.

6.Two CCs to the G.P for School Education,

High Court Buildings, High Court of A.P., Hyderabad (OUT)

7.2 CD copies